

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - FLINT**

IN RE:

CHRISTOPHER D. WYMAN,  
  
DEBTOR,

CASE NO. 12-32264-dof  
CHAPTER 7  
HONORABLE DANIEL S. OPPERMAN

**TRUSTEE'S AMENDED MOTION FOR SALE OF CERTAIN PROPERTY  
FREE AND CLEAR OF LIENS, INTERESTS, AND ENCUMBRANCES WITH  
ALL LIENS, INTERESTS, AND ENCUMBRANCES TRANSFERRING  
TO THE PROCEEDS OF SALE**

NOW COMES Trustee, Samuel D. Sweet, ("Trustee"), by and through his counsel, Samuel D. Sweet, PLC, and hereby states as follows:

1. On May 24, 2012 Christopher D. Wyman ("Debtor") filed a Voluntary Bankruptcy under Chapter 7 of the Bankruptcy Reform Act of 1978, as Amended, Title 11 ("Petition Date").
2. Subsequent of the aforementioned bankruptcy filing, Michael Mason was appointed the duly qualified and acting Trustee in this matter, whereupon Mr. Mason resigned his position as Trustee in this case and Samuel D. Sweet ("Trustee") was appointed the Chapter 7 Trustee herein.
3. Both Trustees and various parties in this case including the Debtor have engaged in years of protracted litigation in this matter on various fronts.
4. Mr. Mason originally hired Michael Tindall to represent him in this litigation and after Mr. Sweet was appointed the Trustee, Mr. Tindall was disbarred from practice. Mr. Tindall has not filed an application for fees nor has requested any fees from this bankruptcy estate to this point.
5. Samuel Sweet entered into and resolved all litigation matters with the various parties including Michelle Pichler, Diana Gentry, and Christopher Wyman.
6. Among those settlements include Michelle Pichler transferring the real property located at 1011 Jones Road, Howell, Michigan to the bankruptcy estate, Diana Gentry purchasing said property from the bankruptcy estate for \$65,000.00.
7. As a result of the foregoing the Trustee is desirous to transfer this property to Diana

Gentry or her company Gentry Sales, Inc. for the full price of \$65,000.00. The Trustee is required to pay certain obligations at closing including outstanding real estate taxes on said property.

8. Among the items identified in the chain of title in this matter is a mortgage between Michelle Pichler and Edward Linck identified as document number 2010R-002922 which appears to be resolved relative to the "Linck Litigation". As a result of the foregoing the Trustee requests that this item be transferred to the proceeds of sale so that he may resolve this matter at a future date.

9. Also, recorded in this chain of title is a "Notice of Claim of Interest" which was recorded between Mr. Tindall and Ms. Duggan who is a creditor of this estate those being 2012R-015343 and 2018R-022732. Those specific items are recorded in the chain of title in this case. The first recorded claim of interest on behalf of Ms. Duggan is recorded based upon a Judgment obtained against Mr. Wyman at a time in which this property in question was owned by Michelle Pichler. This Notice of Claim of Interest appears to be inappropriate and not attachable to the property based upon the Judgment received.

10. Additionally, Mr. Tindall filed a Notice of Claim of Interest relative to what appears to be fees that he is owed or claims to be owed.

11. It is the Trustees request that these items be transferred to the proceeds of sale as they are each not with merit and are certainly within bonafide dispute pursuant to Section 363(f) of the Bankruptcy Code.

**WHEREFORE**, Trustee prays this Honorable Court enter the Order attached hereto as Exhibit "A" and for such other and further relief this Court deems just and proper.

Respectfully submitted,

SAMUEL D. SWEET, PLC

By: /s/ Samuel D. Sweet  
Samuel D. Sweet (P48668)  
Attorneys for Trustee  
P.O. Box 757  
Ortonville, MI 48462-0757  
(248) 236-0985  
[ssweet@trusteesweet.us](mailto:ssweet@trusteesweet.us)

Dated: 12/11/2018

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - FLINT**

IN RE:

CHRISTOPHER D. WYMAN,  
  
DEBTOR,

CASE NO. 12-32264-dof  
CHAPTER 7  
HONORABLE DANIEL S. OPPERMAN

**ORDER GRANTING TRUSTEE'S AMENDED MOTION FOR SALE OF CERTAIN  
PROPERTY FREE AND CLEAR OF LIENS, INTERESTS, AND ENCUMBRANCES  
WITH ALL LIENS, INTERESTS, AND ENCUMBRANCES TRANSFERRING  
TO THE PROCEEDS OF SALE**

This matter having come before this Honorable Court based upon the Trustee's Amended Motion for Sale of Certain Property Free and Clear of Liens, Interests, and Encumbrances with all Liens, Interests, and Encumbrances Transferring to the Proceeds of Sale; or any filed objection having been resolved; notice having been provided properly, pursuant to Rule 2002 and 9019 of the Federal Rules of Bankruptcy Procedures; and the Court being fully advised in the premises;

**IT IS HEREBY ORDERED** that the Trustee shall be and is hereby authorized to transfer the real property located at 1011 Jones Road, Howell, Michigan with a legal description of:

Part of the Southwest 1/4 of Section 24, Town 4 North, Range 4 East, and part of the Northwest 1/4 of Section 25, Town 4 North, Range 4 East, Township of Cohoctah, Livingston County, Michigan, described as follows: Commencing at the Southwest corner of said Section 24; thence North 03 degrees 46 minutes 16 seconds West 1298.63 feet (previously recorded as North 00 degrees 45 minutes 00 seconds West 1298.33 feet); thence along the centerline of Jones Road (66 foot wide Right of Way), North 88 degrees 04 minutes 34 seconds East 183.87 feet (previously recorded as South 89 degrees 29 minutes 00 seconds East 184.60 feet) to the Point of Beginning of the parcel to be described; thence continuing along said line North 88 degrees 04 minutes 34 seconds East (previously recorded as South 89 degrees 25 minutes 00 seconds East) 331.21 feet; thence South 01 degrees 58 minutes 26 seconds East 1324.84 feet; thence South 88 degrees 10 minutes 34 seconds West 331.21 feet; thence North 01 degrees 58 minutes 26 seconds West 1324.26 feet to the point of beginning. Subject to the rights of the public over the

existing Jones Road.

free and clear of all liens, interests, and encumbrances including but not limited to the following:

- a. real estate property taxes;
- b. the mortgage between Michelle Pichler and Edward Linck;
- c. the Notice of Claim of Interest filed by Ms. Duggan;
- d. the Notice of Claim of Interest filed by Michael Tindall;
- e. any and all other documents or Notices filed in this case subsequent to August 2019

shall be and hereby are attached to the proceeds of sale in this matter.

**IT IS FURTHER ORDERED** that Trustee's Motion is granted and he is authorized to sell the real property located at 1011 Jones Road, Howell, Michigan, Tax Id No. 470224300007, to Gentry Sales, Inc. for the gross sum of \$65,000.00.

**IT IS FURTHER ORDERED** that the Trustee is authorized to pay outstanding real estate taxes, tax prorations, transfer taxes, and normal closing costs charged to the Seller.

**IT IS FURTHER ORDERED** that the following Adversary Proceedings shall be and are hereby dismissed:

- 1) 12-3341-dof, Mason v. Wyman;
- 2) 12-3340-dof, Mason v. Gentry;
- 3) 12-3347-dof, Mason v. Gentry; and
- 4) 14-3017-dof, Mason v. Gentry.

**HONORABLE DANIEL S. OPPERMAN**  
**UNITED STATES BANKRUPTCY JUDGE**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - FLINT

IN RE:

CHRISTOPHER D. WYMAN,  
DEBTOR,

CASE NO. 12-32264-dof  
CHAPTER 7  
HONORABLE DANIEL S. OPPERMAN

**NOTICE OF REQUIREMENT OF WRITTEN RESPONSE TO TRUSTEE'S AMENDED  
MOTION FOR SALE OF CERTAIN PROPERTY FREE AND CLEAR OF LIENS,  
INTERESTS, AND ENCUMBRANCES WITH ALL LIENS, INTERESTS, AND  
ENCUMBRANCES TRANSFERRING TO THE PROCEEDS OF SALE**

Trustee, Samuel D. Sweet, has filed papers with the Court for the Authority to Sell Certain Property Free and Clear of Liens, Interests, and Encumbrances with all Liens, Interests, and Encumbrances Transferring to the Proceeds of Sale.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to allow the Trustee's Motion, or if you want the Court to consider your views on the Motion, within twenty-one (21) days, you or your attorney must:

1. File with the Court a written response or an answer which must comply with F.R.Civ.P. 8(b), (c) and (e) explaining your position pursuant to L.B.R. 9014-1 at:

Clerk of the United States Bankruptcy Court  
Eastern District of Michigan-Southern Division  
226 West Second Street, Flint, Michigan 48462-0757

If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

You must also mail a copy to:

Samuel D. Sweet, Attorney for Trustee (at the address below)

2. If a response or answer is timely filed and served, the Clerk will schedule a hearing on the motion/objection and you will be served with a notice of the date, time and location of the hearing.

**If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an Order granting that relief.**

SAMUEL D. SWEET, PLC

/s/ Samuel D. Sweet  
By: Samuel D. Sweet (P 48668)  
Attorneys for Trustee  
P.O. Box 757  
Ortonville, MI 48462-0757  
(248) 236-0985  
[ssweet@trusteesweet.us](mailto:ssweet@trusteesweet.us)

Date Served: 12/11/2018

<sup>1</sup>Response or answer must comply with F.R. Civ. P 8 (b) (c) and (e)

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
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**CERTIFICATE OF SERVICE**

*The undersigned hereby certifies that a copy of the following:*

Trustee's Amended Motion for Sale of Certain Property Free and Clear of Liens, Interests, and Encumbrances with all Liens, Interests, and Encumbrances Transferring to the Proceeds of Sale; Proposed Order; Notice of Motion and Right to Object; and this Certificate of Service

*was electronically served on the 11<sup>th</sup> day of December, 2018, upon:*

Dennis L. Perkins  
Attorney for Debtor  
[bkperk@sbcglobal.net](mailto:bkperk@sbcglobal.net)  
(Via ECF Only)

*was served via First Class Mail, pre-paid postage, on this 11<sup>th</sup> day of December, 2018, addressed as follows:*

Christopher D. Wyman  
6241 Grand River Road  
Brighton, MI 48114

**\*\*NOTICE TO CREDITORS AND OTHER PARTIES OF INTEREST WAS SERVED ON ALL PARTIES LISTED ON THE ATTACHED COURT MATRIX\*\***

/s/ Jessica A. Will  
SAMUEL D. SWEET, PLC  
Jessica A. Will, Legal Assistant  
P.O. Box 757  
Ortonville, MI 48462-0757  
(248) 236-0985  
[jwill@trusteesweet.us](mailto:jwill@trusteesweet.us)